

REMARKS

Specification

In the specification, Abstract has been amended to correct minor editorial problems.

Summary

Claims 1-24 stand in this application. Claims 14 and 17 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

35 U.S.C. § 102

At page 3, paragraph 3 of the Office Action claims 1-24 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number 6,584,109 to Feuerstraeter et al. (hereinafter "Feuerstraeter"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Feuerstraeter fails to teach each and every element recited in claims 1-24 and thus they define over Feuerstraeter. For example, with respect to claim 1, Feuerstraeter fails to teach, among other things, the following language:

updating a capability table with said capability information

According to the Office Action, this language is implied by Feuerstraeter. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Feuerstraeter. In its rejection of the above cited claim limitation the Office Actions argues that:

This feature is implicitly disclosed since the continuous application of the previous two steps implies that the detected device capability information has to be stored in a list and since every new device detection derived by the previous two steps automatically leads to an update of the stored list.

Applicant respectfully submits that “updating a capability table with capability information” is not disclosed, suggested, or implied by Feuerstraeter. Feuerstraeter, at the given cite, arguably discloses an optional Auto-Negotiation protocol that allows devices to exchange information about their abilities over a link. Feuerstraeter, however, fails to disclose a list or table that is used to store the capabilities of a device connected to a fabric. Further, Feuerstraeter fails to disclose wherein capability information “has to be stored in a list” as argued by the Office Action. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-8, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Feuerstraeter.

Claims 9, 14 and 20 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 9, 14 and 20 are not anticipated and are patentable over Feuerstraeter for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 9, 14 and 20. Furthermore, Applicant respectfully

requests withdrawal of the anticipation rejection with respect to claims 10-13, 15-19 and 21-24 that depend from claims 9, 14 and 20, and therefore contain additional features that further distinguish these claims from Feuerstraeter.

Conclusion

For at least the above reasons, Applicant submits that claims 1-24 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-24 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

Appl. No. 10/816,253
Response Dated January 15, 2008
Reply to Office Action of October 15, 2007

Docket No.: 1020.P18643
Examiner: Goodchild, William J.
TC/A.U. 2145

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: January 15, 2008

KACVINSKY LLC
C/O Intellevate
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529